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4 Attorney for Defendant
5 JASON COSTANZA

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JASON DEAN COSTANZA,

14 Defendant.

Case No. CR 22-0155 CRB

**DEFENDANT’S SENTENCING
MEMORANDUM**

DATE: August 30, 2023
TIME: 10:00 a.m.

15 **I. INTRODUCTION**

16 Defendant Jason Costanza is scheduled to appear remotely for sentencing following his
17 pleas of guilty to one count of conspiring to defraud the United States in violation of 18 U.S.C. §
18 371, and one count of false statements in violation of 18 U.S.C. § 1001(a)(2). Defendant joins the
19 probation department and the government in the recommended sentence to be imposed - three (3)
20 years of probation on each count to run concurrently to each other with a \$200 special assessment
21 for the reason that this sentence is “sufficient, but not greater than necessary, to comply with the
22 purpose of sentencing.” 18 U.S.C. § 3553(a).
23

24 Defendant has no objections to the calculation of the sentencing guidelines as contained in
25 the Presentence Report (“PSR”) with a total offense level of 10 and zero criminal history points
26 resulting in a criminal history category I. Additionally, because Mr. Costanza has zero criminal
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1 history points, he would be eligible for a two-level downward adjustment pursuant to the
2 forthcoming November 1, 2023, amendment to Chapter Four of the Sentencing Guidelines. He
3 joins in the parties' recommendation seeking the application of a two-level downward variance for
4 this upcoming guideline adjustment, which results in a total offense level of 8, with a guideline
5 range of 0 to 6 months.

6 Jason Costanza, 47 years old, comes before the Court following his involvement with Juli
7 Mazi, ND, a Naturopathic Doctor, who employed Mr. Costanza as her remote office manager for a
8 year and a half. During that time, he was also in a romantic relationship with Ms. Mazi. Mazi
9 offered homeoprophylaxis pellets that she claimed would immunize her customers for life against
10 COVID-19 and provided the customers with official CDC vaccination record cards stating that she
11 had administered a COVID-19 Moderna vaccine, when in fact, she had not. Despite his initial
12 expressed concern to Mazi that using the cards was risky and illegal, he assisted Mazi by
13 scheduling appointments, explaining the homeoprophylaxis process to customers on the phone,
14 and telling the customers that they would receive the CDC COVID-19 vaccination cards.
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16 Mr. Costanza regrets his involvement in assisting Mazi with her scheme and "feels terrible
17 for anyone who was led astray by the doctor, and I played a role in that." PSR ¶ 15 (i).
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19 II. BACKGROUND – HISTORY AND CHARACTERISTICS OF DEFENDANT

20 Mr. Costanza was raised in a chaotic home environment with a mother who married five
21 times. He did not know his birth father and until he was 31 years old, did not know that Richard
22 Karsten, his mother's first husband, was not his father. PSR ¶ 37. When she married her third
23 husband, James Costanza, some stability entered Mr. Costanza's life for the first time, from the
24 ages of 5 to 13 years old, as he referred to him as "dad."
25

26 Despite this, the abusive home environment continued. His mother was physically abusive
27 towards James, and they would often scream at each other. PSR ¶ 38. The fragile relationship
28

1 between his mother and James crumbled when his mother began abusing cocaine and stealing
2 money from their savings account. When the marriage ended and James obtained custody of his
3 biological children, Mr. Costanza no longer had any communication with James from the age of
4 13 until age 18, the man he considered his father. That loss left him with a void in his life. PSR ¶
5 ¶ 37, 38.

6 The end of his mother's marriage to James was a difficult time for Mr. Costanza as the
7 years with James as his stepfather were "good." In addition, Mr. Costanza lost the companionship
8 of his younger brothers, with whom he was close when they left to go live with James resulting in
9 further hardship, loss, and stability for him. The chaos continued in his life, and he became an
10 angry young person, who felt helpless because of his mother's drug addiction. They struggled
11 financially, leading to unstable lives requiring frequent moves. PSR ¶ 39.

13 When 15 years old, his mother married her fourth husband with whom she did drugs.
14 When this husband went through a 12-step program, Mr. Costanza was able to have a safe space to
15 tell his mother how her drug use affected him, and their lives. Following this, she managed to stop
16 using drugs. While his mother was still married to her fourth husband, he awoke to the sound of
17 glass shattering and saw that his mother was out cold on the ground with this husband standing
18 there with a gun in his hand, which Mr. Costanza managed to grab away from him. That caused
19 that marriage to end, and his mother married her fifth husband when Mr. Costanza was 17 years
20 old. PSR ¶ 40.

22 When 11 years old, a male babysitter showed Mr. Costanza how to masturbate. When Mr.
23 Costanza told his mother what had happened and the police intervened, though questioned by
24 them, the babysitter was not arrested. Mr. Costanza later learned that the same babysitter fondled
25 his youngest brother and he felt guilty because he had not been able to protect his brother from
26 this molester. PSR ¶ 41.
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1 While growing up, his mother invoked corporal punishment on him as a form of discipline,
2 spanking him, slapping him in the face, or using a wood paddle to hit him. Later, in 2021 while
3 Mr. Costanza was visiting her in Oregon, something upset his mother and she “went off.” She
4 placed her hands around his throat and began choking him. PSR ¶ 42.

5 Mr. Costanza is now engaged to be married and is expecting his first child, a boy, in
6 September. His fiancée is a specialist in womb health (natural medicine) and is in the process of
7 completing an herbalist program. Mr. Costanza’s martial arts practice has provided him with the
8 tools to cope with his anxiety, tension, and stress. He works with former martial art students in a
9 mentorship/coaching way to help teach the students these tools as a method for them to deal with
10 their own anxiety and depression.

12 His move to Texas has allowed Mr. Costanza to forge ahead with a new life finding joy
13 and helping others. He is, as the letters describe, a person who is positive and loving.

14 These characteristics can be found in the relationship he has developed and maintained
15 with his mother, despite the abuse Mr. Costanza suffered in her home and at her hands. He has
16 found a way to thank her for making him the man he is today. She writes, “Although I’ve been
17 clean for 34 years my addiction forced Jason to care for his brothers, and maybe grow up faster
18 than he could have.” As she relates, “Jason has been in Texas for four years now and has started a
19 new life.” Exhibit A.

21 Helping others comes naturally to Mr. Costanza as Susan Duke writes. He is “very
22 dependable” and “has been a big help to me.” As a sufferer of pulmonary fibrosis, he “showed me
23 how to do some breathing exercises to help me get more air in my lungs and some exercise to help
24 me move better and meditations to relax.” Exhibit A.

26 His stepsister Samantha Reitz writes, “As long as I can remember I’ve watched Jason try
27 to follow a path that helped others, even writing a book on how to improve ones life.” She
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1 recounts that Mr. Costanza worked with a man he was “trying to help strengthen his body through
2 exercise to walk better” and that his time spent there doing this kind of work enabled Mr.
3 Costanza to be the inspirational person that he remains, “trying to help people be their best
4 selves.” Exhibit A.

5 Nairi Davis writes that Mr. Costanza taught her son Jujutsu for six years. “He motivated
6 the kids to do their best and was patient, kind, and encouraging. He contributed to and maintained
7 an atmosphere of trust with students and parents. All my interactions with Jason were positive. I
8 consider him to be a trustworthy person and we keep in touch though now living in different
9 states.” Her text to Jason from 2012 says it all, “thanks for being a good role model” to her son.
10 Exhibit A.

12 These mitigating factors, including his acceptance of responsibility for his conduct, his
13 compliance while under pretrial supervision; his history of instability and trauma as a child; and
14 his current health concerns as detailed in PSR ¶¶ 47-50, as well as the factor described apply to
15 Mr. Costanza and may be considered under 18 U.S.C. § 3553(a) as reasons for the Court to impose
16 a probationary sentence. These factors include,

18 **Disadvantaged Childhood and Lack of Guidance as a Youth**

19 Disadvantaged childhood and lack of guidance as a youth are factors that district courts are
20 free to consider under *Booker* and its progeny as part of the § 3553(a) analysis. *See United States*
21 *v. Ruiz*, 2009 WL 636543 (S.D.N.Y. March 11, 2009) (judge imposed 96 months rather than guideline
22 range 140-175 months for crack offenses in part due to defendant’s difficult childhood with abusive
23 mother and largely absent father who was incarcerated and a heroin addict); *United States v. Patzer*,
24 548 F.Supp. 2d 612 (N.D. Ill. 2008) (court imposed sentence of 13 years, despite Guidelines range of
25 346-411 months, finding that defendant’s prior offenses designating him as a career offender were less
26 serious than most of such offenses considered for purposes of that guideline, had difficult childhood,
27 not properly diagnosed with ADD, his conduct stemmed from mental health and drug problems that
28

1 were treatable, and that he had potential for rehabilitation with support of friends and foster family).

2 Here, Mr. Costanza endured a difficult and chaotic childhood while in his mother's home.
3 From physical abuse to sexual abuse, loss, drug addiction and instability, Mr. Costanza has suffered
4 and endured an environment that made it difficult to find an easy path forward in life.

5 **CONCLUSION**

6 For these reasons, Mr. Costanza asks the Court to impose a sentence of 3 years' probation
7 with the conditions contained in the PSR.

8 Dated: August 23, 2023

Respectfully submitted,

9 */s/ Gail Shifman*

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GAIL SHIFMAN

12 Attorney for Defendant Costanza
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Exhibit A

Aug. 9, 2023

To Judge Charles R. Buyer,

My name is Janet Reitz and I am writing this letter in regards to Jason Cestanza. Although he is my son, he is honestly one of the best men I know!

Jason is the oldest of three sons, and was there to help me with his little brothers. Although I've been clean for 34 years my addiction forced Jason to care for his brothers, and maybe grow up faster than he could have.

Jason always got good grades in school and had a group of really good friends. As a young man he moved to Monterey to pursue his dream with Martial Arts. There he became an 8th degree black belt in Sabukan Jujitsu. From there he went on to teach this art, for almost 20 yrs.

Jason has always used good judgement and will continue to do so.

Jason has been in Texas for four years now and has started a new life. He will become a new father for the first time in September.

Sometimes being in the wrong place at the wrong time can put you in the middle of an uncontrollable situation. Jason is a good man.

Sincerely, Janet Reitz

AUG 14 2023

August 7, 2023

Judge Charles R. Bryer
U.S. District Judge
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Sir,

I am writing this letter for Jason Constanza. Jason is always a very kind person and friend to all the people he meets. He is very dependable.

He has been a big help to me. I have pulmonary Fibrosis and have had lots of trouble with my breathing as well as not having a lot of energy. Jason showed me how to do some breathing exercises to help me to get more air in my lungs and some exercises to help me move better and meditations to relax.

Jason has a family that needs him. He has a new child being born in September. It would be great if he could stay with his family instead of being incarcerated.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Susan Duke".

Susan Duke

Hello,

My name is Samantha Reitz and my stepbrother is Jason Vaughn, Jason is older than me, so we haven't been really close. Jason is a little over 15 years older than me so he was already out of school and into his adult life by the time I came along.

As long as I can remember I've watched Jason try to follow a path that helped others, even writing a book on how to improve one's life. His time spent in Monterey he briefly told me of a man he was trying to help strengthen his body through exercise to walk better. His years working with individuals of all ages as a Jujitsu instructor seemed to give him inspiration to be an inspirational person that encourages everyone to be their best.

Now he's living in Texas, no longer in Jujitsu but I see his inspirational posts on social media. He's still trying to help people be their best selves. My brother Jason is the kind of man that will be happy to help anyone and encourage them to find balance and peace in their life. Thank you for your time reading this short letter. I hope you can see the kind and generous person my brother is.

Sincerely,

Samantha Reitz



AUG 11 2023

Honorable Charles R. Bryer
U.S. District Judge
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge Breyer,

I am writing this letter on behalf of Jason Costanza. I met Jason when he was an instructor at Seibukan Jujutsu in Monterey, California. My son took classes from Jason for approximately six years. Jason was an excellent teacher. He motivated the kids to do their best and was patient, kind, and encouraging. He contributed to and maintained an atmosphere of trust with students and parents. All my interactions with Jason were positive. I consider him to be a trustworthy person and we keep in touch though now living in different states.

I respectfully request leniency and compassion for Jason in his sentencing. He has been a role model to many kids through martial arts and is now a father. I am including a couple of photographs that show Jason with my son. These were taken during activities sponsored by Seibukan Jujutsu.

Below is a message I sent to Jason in 2012 that reflects my sincerity in this letter:

9/29/12, 3:03 PM

You sent

Hi Jason, Harry told me you were amazing today. I woke up not feeling well and am still trying to get out of the house. Just want to let you know that Harry passed up on basketball camp because he wanted to see you. Knowing how much basketball means to him shows how much respect he has for you. Thanks for being a good role model and congratulations on your demonstration! Nairi Davis

Enter

9/29/12, 3:42 PM

Jason



Thank you so much..... Harry means a lot to me so that touches my heart. Please Tell him thank you?

Again, Judge Bryer, I respectfully request lenient sentencing for Jason considering the good man that he is, his care for children, and for his contributions to his community.

Sincerely,
Nairi Davis

(831) 402-0424





USA v. Costanza
August 6, 2023

To Whom it may concern,

I am writing on the behalf of Jason Costanza. When I met him it was an instant I liked this guy. He radiates a genuine love for people. Nice and laid back, and not judgemental. Now considering I didn't know what he was facing at the time. Now that I do know him I had a thought. This man is facing charges that can lead him to jail time. Yet he shines his light in the midst of this dark situation. Wow!!! He always wears a smile and speaks positivity into others lives. He is all about helping people and inspiring them to follow their dream. I myself know that there are consequences to what we do in life and choices we make. I also know that some of us do things without thinking and we are really good people who made a mistake we cant change. I am asking that you all would be kind and allow my friend to continue to shine his light. See that's how we change the world by one act of kindness at a time. This man does just that. We need him around and God does too to lead us.

AUG 11 2023

troops to Jesus side. Thank you
for your time and have a blessed day!

Sincerely
Hinda D. Griffin
God Bless!!!